

### REMARKS

In the Office Action dated May 14, 2003, claim 7 was objected to; claims 27 and 30 were rejected under 35 U.S.C. § 112; claims 38-40 were rejected under § 101 as directed to non-statutory subject matter; claims 1, 7-10, 12, 18, and 20-29 were rejected under § 102 over U.S. Patent No. 6,091,956 (Hollenberg); claims 41 and 42 were rejected under § 102 over U.S. Patent No. 6,513,015 (Ogasawara); claims 38-40 were rejected under § 102 over U.S. Patent No. 5,572,653 (DeTemple); claims 2-4, 19, 20, 30 and 32 were rejected under § 103 over Hollenberg in view of U.S. Patent Publication No. 2002/0077130 (Owensby); claims 5, 6, 33, and 34 were rejected under § 103 over Hollenberg in view of Owensby and in further view of DeTemple; claims 11 and 35-37 were rejected under § 103 over Hollenberg in view of DeTemple; claims 13 and 26 were rejected under § 103 over Hollenberg in view of U.S. Patent No. 5,086,394 (Shapira); claims 14-16 were rejected under § 103 over Hollenberg in view of Ogasawara; and claim 17 were rejected under § 103 over Hollenberg and Ogasawara in view of U.S. Patent No. 6,237,145 (Narasimhan).

### OBJECTION AND REJECTIONS UNDER 35 U.S.C. § 112

Claims 7 and 30 have been amended to address the objection and rejection based on informalities. Applicant respectfully submits that "the group" as used in claim 27 is proper, as claim 27 recites a Markush group that is specifically approved by the Patent Office. *See* MPEP (8<sup>th</sup> ed., Rev. 1) § 2173.05 (h).

In view of the foregoing, withdrawal of the claim objection and § 112 rejections is respectfully requested.

### REJECTION UNDER 35 U.S.C. § 101

Applicant respectfully submits that claims 38-40 are directed to statutory subject matter for the following reasons. As provided by the MPEP, "[w]hen functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

realized." MPEP (8<sup>th</sup> ed., Rev. 1) § 2106, at 2100-12. A data signal *embodied in a carrier wave* as recited in claim 38 is such a computer readable storage medium. Claim 38 does not recite a data structure that is completely divorced of an underlying computer-readable storage medium--rather, it is directed at a data signal that is embodied in a carrier wave which contains instructions that are executable to cause a system to perform certain acts.

As the MPEP further states, "a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature." *Id.* at 2100-14. Furthermore, claim 38 falls within a safe harbor that is listed by the MPEP: namely, claim 38 involves pre-computer process activity that includes manipulation of data representing physical objects or activities. In this case, claim 38 recites receiving video data collected from one or more *cameras* in the proximity of a user. The received video data is "an intangible representation of physical activity," namely collection of video images by a camera. *Id.* at 2100-16.

For the foregoing reasons, claims 38-40 are directed to statutory subject matter under 35 U.S.C § 101.

#### REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claim 1 has been cancelled to render the rejection of that claim moot. Claim 3 has been amended from dependent form to independent form. The term "fixed" has been added to the claim to recite "fixed presentation devices." Support for this amendment can be found in the application, which refers to presentation devices dispersed within a facility and located at distributed locations. *See* Patent Application, pp. 4-5. Therefore, no new matter has been added. The same is also true of independent claims 18 and 29.

Applicant respectfully submits that claim 3 is allowable over the asserted combination of Hollenberg and Owensby. Even if Hollenberg and Owensby can be properly combined, the asserted combination does not disclose or suggest a method of communications in a geographic region having a plurality of fixed presentation devices that are located at respective fixed positions, with the method comprising determining a location of a user, sending information to present to the user on *one of the fixed presentation devices in the proximity of the user based on the determined location.*

Neither Hollenberg nor Owensby discloses or even remotely suggests sending information to present to a user on a fixed presentation device (that is located at a fixed position). Both Hollenberg and Owensby are directed at presenting information at a mobile device that a subscriber is carrying. There is no hint whatsoever of sending information to present to a user on a fixed presentation device in the proximity of the user based on the user's location.

In view of the foregoing, it is respectfully submitted that the asserted combination of Hollenberg and Owensby does not teach or suggest the claimed invention.

Independent claim 18 has been amended and recites a controller adapted to communicate information to present on one of a plurality of fixed presentation devices in the proximity of a user based on location information of the user. This feature is not taught or suggested by Hollenberg alone, or by the asserted combination of Hollenberg and Owensby.

Independent claim 29 is also similarly allowable over the cited references.

Independent claim 38 was rejected as being anticipated by DeTemple. Applicant respectfully submits that DeTemple does not teach or suggest receiving video data collected from one or more cameras in the proximity of the user, in combination with storing the video data in a video album.

Independent claim 41 has been cancelled to render the rejection of that claim moot. Claim 42 has been amended from dependent to independent form, and as amended, is allowable over Ogasawara. Ogasawara fails to disclose or suggest a sub-system to track the location of a person, with a controller to receive images from different ones of a plurality of cameras based on where the person is located, in combination with the controller creating a video album from the received images. In Ogasawara, when a user enters a store, a picture is taken of the person as he enters the store. This photograph (or still image) of the person is used by sales personnel to identify the user. There is no indication whatsoever in Ogasawara of receiving images from different ones of a plurality of cameras based on where the person is located and creating a video album from the received images.

The dependent claims are allowable over the cited references for at least the same reasons as corresponding independent claims. Also, because dependent claims 11 and


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13-17 now depend from amended independent claims, the rejection of those dependent claims have been rendered moot.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRR.0009US).

Respectfully submitted,

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Date

  
Dan C. Hu, Reg. No. 40,025  
Trop, Pruner & Hu, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880  
713/468-8883 [fax]

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APPENDIX